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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/800,461

Applicant(s)

BRECK ET AL.

Examiner

John M Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-33, 38-49, 52 and 53 is/are allowed.
- 6) ☒ Claim(s) 1-16, 20, 21, 26-30, 34, 35, 37 and 50 is/are rejected.
- 7) ☒ Claim(s) 17-19, 22-25, 36, 51 and 55-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 and 9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

Claims 1-56 have been examined

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 16,20,21,26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 6,163,771) and further in view of Franklin et al (US Patent 5,883,810).

As per claim 1,  
Walker ('771) discloses a transaction, comprising the steps of:  
identifying at least one primary account;(Column 6, lines 54-59)  
generating a secondary transaction number that is configured to facilitate a transaction;(Column 6, lines 29-38)  
associating the secondary transaction number with said at least one primary account;(Column 6, lines 46-49)  
issuing the secondary transaction number to a first party to facilitate a transaction with a second party,(Column 6, lines 30-38)  
Walker ('771) does not explicitly disclose the secondary transaction number is configured to be immediately usable for facilitating the transaction. Franklin et al. ('810) discloses the secondary transaction number is configured to be immediately usable for facilitating the transaction.(Figure 3) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Walker et al. method with the Franklin et al. method in order to promote secure online commerce.

As per claim 2,  
Walker ('771) discloses the method of claim 1.  
Official Notice is taken that "receiving information from the first party specifying a particular account; and verifying that the account exists and is valid" is common and well known in prior art in reference to network commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to validate a user in order to prevent fraud, this feature is commonly known as Address verification Service is found in most credit transaction systems.

As per claim 3,  
Walker ('771) discloses the method of claim 1.

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determining if the random number is available for use; and if available for use, appending appropriate formatting and product identifier numbers to the random number to achieve a secondary transaction number that is configured to have the same format as the primary account number.(Column 6, lines 30-38)

Official Notice is taken that “generating a random number” is common and well known in prior art in reference to network commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a random number as a basis for a transaction identifier.in order to promote security of the system by making the transaction mechanism non-obvious.

As per claim 4,  
Walker ('771) discloses the method of claim 1,  
wherein the secondary transaction number is generated by a computer system.(Column 5, lines 49-61; also figure 2)

As per claim 5,  
Walker ('771) discloses the method of claim 1,  
wherein a portable data device is configured to generate the secondary transaction number.(Column 5, lines 49-61; also figure 2)

As per claim 6,  
Walker ('771) discloses the method of claim 1,  
wherein a portable data device is configured to support interaction with a card provider's user interface system to generate the secondary transaction number.(Column 5, lines 15-29; also figure 3B)

As per claim 7,  
Walker ('771) discloses the method of claim 5,  
Official Notice is taken that “a portable data device reader is configured to support interaction with the portable data device” is common and well known in prior art in reference to network commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a portable data device to generate a temporary credit card account in order to provide the user the option of making secure transactions at a remote site (i.e. a store).

As per claim 8,  
Walker ('771) discloses the method of claim 1,  
wherein the secondary transaction number is generated by a first party's computer system configured to support interaction with a card provider's user interface system.(Figure 3B).

As per claim 9,  
Walker ('771) discloses the method of claim 1,

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wherein the step of associating the secondary transaction number with the primary account further comprises the step of recording the secondary transaction number in a database associated with the primary account.(Column 11, lines 21-25)

As per claim 10,  
Walker ('771) discloses the method of claim 1,  
wherein the primary account is associated with a physical charge card.(Column 3, lines 59-64)

As per claim 11,  
Walker ('771) discloses the method of claim 1,  
wherein the step of issuing the secondary transaction number to a first party is facilitated by a user interface system.(Figure 3B)

As per claim 12,  
Walker ('771) discloses the method of claim 11,  
wherein the user interface system comprises at least one of the following: a web server system, a telephone system, and a mail handling system.(Figure 12)

As per claim 13,  
Walker ('771) discloses the method of claim 1,  
further comprising the steps of registering a first party to use a transaction system configured to generate and issue a secondary transaction number; and upon proper registration, providing the first party with authentication information;(Figure 3B)

As per claim 14,  
Walker ('771) discloses the method of claim 13,  
where the authentication information is a username and password.(Column 6, lines 19-20)

As per claim 15,  
Walker ('771) discloses the method of claim 1, further comprising the steps of:  
prompting the first party for authentication information to confirm that the first party is a registered user; and receiving authenticating information from the first party, and upon verifying that the first party is registered, providing the first party access to a transaction system.(Column 6, lines 15-20, figure 3B)

As per claim 16,  
Walker ('771) discloses the method of claim 15, further comprising the step of:  
receiving a request from the first party for a secondary transaction number.(Column 6, lines 20-25)

As per claim 20,  
Walker ('771) discloses the method of claim 1, comprising the following steps:

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receiving transaction information from a second party for authorization; forwarding the transaction information to a card authorization system for authorization processing;(Column 6, lines 39-43) processing the transaction information with the card authorization system, wherein the card authorization system interfaces with a secondary transaction number system to determine if authorization is appropriate.(Column 6, lines 44-53)

As per claim 21,  
Walker ('771) discloses the method of claim 20, further comprising the steps of:  
recognizing that the transaction information comprises a secondary transaction number;  
retrieving account information that is associated with the secondary transaction number;  
determining if conditions of use associated with the primary account are satisfied; determining if conditions of use associated with the secondary transaction number are satisfied; returning an appropriate approval code to the second party, if conditions of use parameters associated with the secondary transaction number and the primary account are satisfied; and, declining the authorization request if either the conditions associated with the primary account or the secondary transaction number are not satisfied. (Column 6, lines 44-53)

As per claim 26,  
Walker ('771) discloses the method of claim 1,  
further comprising the step of configuring the secondary transaction number for use with an electronic line of credit system.(Column 3, lines 59-67, Column 4, lines 1-4).

As per claim 27,  
Walker ('771) discloses the method of claim 1,  
further comprising the step of configuring the secondary transaction number for use with a stored value card system.(Column 3, lines 59-67, Column 4, lines 1-4)

As per claim 28,  
Walker ('771) discloses the method of claim 1,  
further comprising the step of configuring the secondary transaction number for use with a non-currency based account 30 program.(Column 3, lines 59-67, Column 4, lines 1-4)

As per claim 29,  
Walker ('771) discloses the method of claim 1,  
further comprising the step of configuring the secondary transaction number to be used as a gift product.(Column 3, lines 59-67, Column 4, lines 1-4)

As per claim 30,  
Walker ('771) discloses the method of claim 1,  
further comprising the step of configuring the secondary transaction number to be used in an online wallet system.(Column 3, lines 59-67, Column 4, lines 1-4)

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Claims 34,35,37,and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 6,163,771).

As per claim 34,

Walker ('771) discloses a host computer system for facilitating transactions comprising: a user interface system configured to allow a first party to interact with a host computer's transaction services; (Figure 1)

a number generating and processing mechanism, including at least one application server and at least one database, configured for receiving input from the user interface system to generate a secondary transaction number and to associate therewith a designated primary account.(Column 6, lines 46-49)

As per claim 35,

Walker ('771) discloses the host computer system in claim 34, further comprising a card authorization processing mechanism configured to receive transaction information from a second party, wherein the authorization mechanism interfaces with at least the number generating and processing mechanism to determine if the second party authorization request should be approved or denied.(Figure 11A)

As per claim 37,

Walker ('771) discloses the system of claim 34, wherein the user interface system comprises at least one of the following: web server system, telephone system, and mail handling system.(Figure 12)

As per claim 50,

Walker ('771) discloses a method for facilitating an electronic line of credit system involving a secondary transaction number comprising the following steps:

issuing a line of credit to a participating first or second party; (Figure 13)

causing to be processed an application from the first party requesting to be issued a secondary transaction number;(Column 6, lines 29-38)  
causing to be issued to the first party a secondary transaction number that is associated with the line of credit; wherein the secondary number is used to facilitate a transaction.(Column 6, lines 30-38)

As per claim 54,

Walker ('771) discloses a method for facilitating a transaction, comprising the steps of: receiving a primary account number from a first party to initiate a transaction;(Column 6, lines 30-38)

sending the primary account number to a card provider, requesting that the card provider generate and return a secondary transaction number that is associated with the primary account number;(Column 6, lines 30-38)

receiving from the card provider the secondary transaction number associated with the primary account, wherein the secondary number is then used to facilitate a transaction settlement.(Column 6, lines 44-53)

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***Allowable Subject Matter***

Claims 31-33, 38-49 and 52-53 are allowable

Claims 17-19, 22-25, 36, 51 and 55-56, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

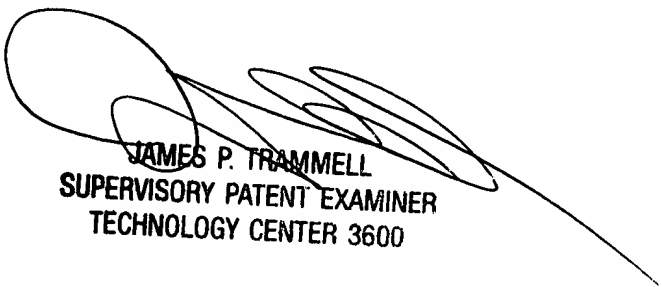
Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW  
February 8, 2004



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